

**Mission Bay Landfill  
Technical Advisory Committee  
City Administration Building  
12th Floor Conference Room B  
April 7, 2006  
10:00am to 12:00pm**

**Meeting Minutes**

TAC Members Present

Donna Frye  
Judy Swink

George Murphy  
Robert Curtis

David Kennedy, DDS  
Barry Pulver  
Brian McDaniel

TAC Members Absent

Bruce Reznik  
John Wilks

Robert Tukey Ph.D.  
Rebecca Lafreniere

Ben Leaf  
David Huntley, Ph.D.  
Jeoffry Gordon, MD

Interested Parties/Alternates

Scott Andrews  
Patrick Owen

Kathleen Blavatt  
Susan Orlofsky

Kevin Carr  
Vicky Gallagher  
Tessa McRae

Staff

Chris Gonaver  
Steven Fontana

Ray Purtee  
Mary Ann Kempczenski

The meeting was called to order by Councilmember Frye. Self introductions were made. A quorum was present.

**Approval of Minutes**

Minutes were reviewed and approved with one change: Remove sentence on Page 4, "All claims made by SWAPE were either inaccurate or false claims." A request was made to see AMEC's report mentioned on page 4 of the minutes. Chris Gonaver will request from Sea World AMEC's report on SWAPE .

Councilmember Frye wanted to make sure that everyone attending the TAC meetings gets the documents that they need beforehand. This makes the meetings more productive. If you have trouble getting what you need for the TAC meeting beforehand, you can call Mary Ann Kempczenski at (619) 236-5996 or Judy Armstrong at (858) 627-3304.

Councilmember Frye said that Dr. Gordon requested that we wrap up the TAC meetings. She agrees and would like to get out a final report before the year end. So for board discussion should we wait and send the report to regulatory agencies until after this group votes on a final draft? Or, send out the report to agencies as a draft, and get more input because they might raise issues that we had not thought about? This option would allow us another crack at this after the agencies' input.

Discussion ensued and included a suggestion to go over the response to comments at this meeting, then approve a final report at next month's meeting, then send it to the agencies. We have taken this long, why rush to complete it?

Councilmember Frye said we are not rushing anything here. My suggestion was to get it to the agencies for their input before it is final.

Discussion was mixed concerning whether the report should be sent out as a final or as a draft. If sent out as a draft, then agencies could point out errors or areas that need further investigation. If sent out as a final, then we could treat information from agencies as an addition to the report. Another comment was that we shouldn't send out a final unless it includes agency feedback.

Dr. Kennedy said that as an example, if multiple groundwater samplings should be included, this should be addressed before we send the report to agencies. Chris Gonaver responded there were four new permanent wells installed and it is City's intention to sample them in the future.

Councilmember Frye proposed that we review the response to comments today, then in three weeks get the final "draft" report, then vote on it to go to agencies. Is there enough time after the draft report is issued, say until perhaps May 12, 2006, for people to review it, before they vote on it?

Dr. Kennedy suggested that we need to write a summary of what the TAC has done, for future users of the site, Members can send him their summaries, and he will incorporate them into what could be referred to as a draft "minority report."

Councilmember Frye asked does your summary need to accompany the report? And does it go to the agencies? Dr. Kennedy replied yes, but it could go out as a draft. He clarified that the minority report is also for people who don't agree with the majority report results and conclusions.

A question was asked: would the LEA review a minority report?

Vicky Gallagher said yes, but we would be more interested in the majority report.

Councilmember Frye said then there will be a TAC summary (minority report) and the final draft report.

A question was asked: is the TAC summary's purpose to address things the SCS report did not; such as land use? Dr. Kennedy responded the purpose of the minority report is for TAC members and interested parties to share their observations and data gathered during this three year site assessment project.

Councilmember Frye said to remain focused on our agenda, let's summarize how we will proceed and if there is a motion and second we can vote on approval. A motion was made, seconded and approved to proceed as follows:

- today review the SCS response to comments;
- 3 weeks from now (April 28, 2006) after receipt from SCS, ESD will distribute the draft final report on CD incorporating the responses to comments;
  - at the May 12, 2006 meeting, TAC members will be asked to vote on the draft final report for releasing it to regulatory agencies;
  - a subcommittee of the TAC is established with Dr. Kennedy as the chair for the purpose of preparing a summary report for the TAC. Dr. Kennedy will solicit comments from all TAC members via e-mail;
- at the May 12 meeting, the draft summary report will be available for review, with the intent that it be released to the regulatory agencies along with the draft final report;

Councilmember Frye asked City staff to send out an email of this motion in response to Dr. Huntley's concerns and include a list of the agencies that will be sent the report.

Tessa McRae stated her intent was to get the draft final report to the City on CD.

Councilmember Frye asked if anyone has problems with using a CD to let us know in advance.

Questions included: is this draft report a public document? And what agencies will review the report? Chris Gonaver responded that technically, public agencies don't have to release draft reports in response to a public records request. The agencies that will be sent the report are the Regional Water Quality Control Board, Local Enforcement Agency, US Environmental Protection Agency, California Environmental Protection Agency, Department of Toxic Substance Control, Office of Environmental Health Hazard Agency, Air Pollution Control District, and the Integrated Waste Management Board.

Distribution of CD's of the draft final report was discussed. Every TAC member will receive a CD. Other people in attendance were asked if they wanted a CD. A suggestion as made to make certain Hiram Sarabia's replacement gets a CD (Bruce Resnick). Scott Andrews requested three CD's. Kathy Blavatt requested one CD. Pat Owens requested one CD.

### **SCS RESPONSE TO COMMENTS**

Discussion moved to the review of SCS's response to comments. Tessa McRae stated rather than have everyone re-read the entire document looking for the response to their comment, this addendum was issued. It was never the intention that the addendum be the only response; rather

that people who took the time to write and submit a comment got to see a clear response. She might have missed one of Dr Huntley's comment emails, she's not sure. The intent today is to go over contributor's comments and give people a chance to add to them or just discuss them.

Dr. Gordon stated he was favorable to SCS's responses and Chris Gonaver added that Dr. Huntley's last email was he was comfortable with SCS's responses.

Barry Pulver said he liked the way that SCS structured the Response to Comments; it made it easy to see the comment and find SCS's answer. He asked if two particular responses were to be included in the report- on page 3 of 30, Dr. Huntley asked where did the chemicals go? And on Page 4 of 30, some borings did not find landfill but are within the landfill boundary? Tessa answered yes, both of these responses will be incorporated into the body of the report.

Barry Pulver requested clarification that these Response to Comments will be part of the record the City will keep? Chris Gonaver answered yes, they will be part of the City's record but incorporated into the final report.

Scott Andrews said he would strongly object if his comment letter was not sent to the agencies. Councilmember Frye responded that we will send this Response to Comment document to the agencies along with the report.

An observation was made that there is so little discussion here today on the Response to Comments because of the thoroughness of the report.

Tessa McRae added that Hiram Sarabia asked for historical documents and this is posted as a table "Historical Documents Regarding Waste Discharge in San Diego" which will be an addendum to the report.

Councilmember Frye asked does anybody need any documents that they need to get access to the website to review the report? We don't want to get to the last meeting and someone feels they can't get a document. Call me or Chris if you need a document. She wants to make sure everybody is comfortable with releasing the report to the agencies.

A motion was made and seconded to accept today's review of the SCS responses to comments without any changes, and all comments received from TAC members and non-TAC members will be included in the draft final report. Motion carried unanimously.

A motion was made and seconded that we adjourn. It was approved.

Dr. Kennedy asked if anyone wants to be on the new TAC Sub-Committee?

### **Future Meetings**

- Friday, May 12, 2006